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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

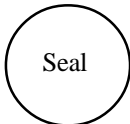
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PART I : SECTION (I) — GENERAL

Proclamations & C., by the President



P. S. No. : CSA/7/COI/MS/01

MAITHRIPALA SIRISENA

By His Excellency Maithripala Sirisena
President of the Democratic Socialist Republic of Sri Lanka

To :

1. Hon. Justice Wewage Priyasath Gerard Dep Esquire, PC
Judge of the Supreme Court
2. Hon. Justice Anil Goonaratne Esquire
Judge of the Supreme Court
3. Kulatunga Mudiyanseelage Gihan Himanshu Kulatunga Esquire
Judge of the High Court
4. Sarath Chandrasiri Mayadunne Esquire
Retired Auditor General
5. Aiyathurai Gnanathan Esquire, PC
Retired Additional Solicitor General

Greetings !

WHEREAS, a large number of serious complaints and allegations have been and are being made and information is being received against persons who have held or continue to hold political office and those who have been or continue to be public servants and officers of statutory bodies, regarding acts of corruption, fraud, criminal breach of trust, criminal misappropriation of property, cheating, and abuse or misuse of power or authority, State resources and privileges, which offences and acts of wrongdoing occurred during the period 10th January 2010 to 10th January 2015, and have resulted in serious loss or damage to State assets and revenue,

AND WHEREAS, no independent, impartial and comprehensive criminal and other investigations and inquiries have been conducted with regard to such complaints, allegations and information with the view to ascertaining the veracity of such complaints, allegations and information,



AND WHEREAS, I am of the opinion that it is in the interest of public security and welfare, to cause the conduct of investigations and inquiries into such complaints, allegations and information, in order to determine what measures should be taken to provide for and ensure that the law is appropriately enforced and wrongdoers dealt with in terms of the law, and that there will be no recurrence of such alleged acts amounting to offences and abuse or misuse of power of authority ;

WHEREAS, I am of the view that it is necessary that a Commission of Inquiry be appointed to investigate and inquire into and report or take necessary action on matters hereinafter referred to and provided for ;

NOW THEREFORE, I, Maithripala Sirisena, the President of the Democratic Socialist Republic of Sri Lanka reposing great trust and confidence in your integrity, prudence, ability and fidelity, do, in pursuance of the provisions of Section 2 of the Commissions of Inquiry Act (Chapter 393), by these presents appoint you, the said :

1. Hon. Justice Wewage Priyasath Gerard Dep Esquire, PC
Judge of the Supreme Court
2. Hon. Justice Anil Goonaratne Esquire
Judge of the Supreme Court
3. Kulatunga Mudiyanseelage Gihan Himanshu Kulatunga Esquire
Judge of the High Court
4. Sarath Chandrasiri Mayadunne Esquire
Retired Auditor General
5. Aiyathurai Gnanathan Esquire, PC
Retired Additional Solicitor General

to be my Commissioners to investigate and inquire into, take necessary action and report on the following matters namely :

1. To call for and receive public complaints, information and other material relating to serious allegations against persons who have held or continue to hold political office, those who have been or continue to be public servants and officers of statutory bodies, regarding acts of corruption, fraud, criminal breach of trust, criminal misappropriation of property, cheating and abuse or misuse of power, State resources and privileges, which offences and acts of wrongdoing occurred during the period 10th January 2010 to 10th January 2015 and have resulted in serious loss or damage to State assets and State revenue ;
2. To conduct prompt, impartial, comprehensive investigations and inquiries into complaints, information and allegations referred to in paragraph 1 above ;
3. To identify persons who have been or are responsible in terms of the law for committing such offences, acts of wrongdoing, and abuse or misuse of power or authority, state resources and privileges ;
4. To identify and collect evidence available with regard to such offences and acts of wrongdoing as referred to in paragraph 1 above, and against persons responsible for having committed offences connected with such incidents, and wrongdoing ;
5. To identify which of the acts coming within the ambit of matters referred to in paragraph 1 above, should be forwarded to the Commission to Investigate Allegations of Bribery or Corruption or to the Police or to any other law enforcement authority or statutory body for the conduct of necessary investigations and inquiries with the view to instituting criminal proceedings against persons alleged to have committed the said offences ;
6. To transmit to the Attorney General investigational and inquiry material, enabling the Attorney General to consider the institution of criminal proceedings against persons alleged to have committed the said offences and prosecute the accused ;

7. To present to me recommendations of the Commission regarding what action if any, should be taken against those held responsible for having committed offences and acts of wrongdoing and recommendations aimed at preventing the occurrence of such offences and acts of wrongdoing in the future ;

AND, I do hereby appoint you the said **Hon. Justice Wewage Priyasath Gerard Dep Esquire, PC, Judge of the Supreme Court** to be the **Chairman** of the said Commission.

AND, I do hereby authorize and empower you, the said Commissioners, to conduct or cause the conduct of necessary criminal and forensic investigation and inquiries and hold all such public and or confidential inquiries, into the aforesaid matters as may appear to you to be necessary, and require you to transmit to me within two months from the date of this warrant the first Interim Report, and thereafter subsequent interim reports once in two months, and the Final Report within **One Year** of the date hereof under your hand, setting out the findings of your investigations and inquiries, and your recommendations relating thereto.

AND, I hereby direct that any three Commissioners from among you shall participate in the Commission meetings to fulfill its quorum.

AND, I do hereby direct that such part of any investigation or inquiry relating to the aforesaid matters as you may in your discretion determine, shall not be held in public.

AND, I do hereby require and direct all public servants and officers of statutory bodies, and other persons to whom you may apply for assistance or information, to render all such assistance and furnish all such information required for investigations or inquiries as may be properly rendered and furnished in that behalf.

AND, I do hereby declare that the provisions of section 14 of the aforesaid Commissions of Inquiry Act shall apply to this Commission.

Given at Colombo, under the seal of the Democratic Socialist Republic of Sri Lanka, on this 03rd day of March, 2015.

By order of His Excellency,

P. B. ABEYKOON
Secretary to the President

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